

**Prepared by: Benefits and Entitlements Team, September 29, 1999**

**Updated January 8, 2003**

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**FEDMER****Federal Medical Evidence of Record**

*A Guide for Human Resources Specialists*

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# Federal Medical Evidence of Record "FEDMER"

## References

Benefits Administration Letter 99-109 of September 21, 1999 <http://www.opm.gov/asd/pdf/99-109.pdf>  
Social Security Administration Memorandum of September 21, 1999  
Social Security Administration's web site: <http://www.ssa.gov/phila/fedmr1.htm>  
Office of Personnel Management's web site: <http://www.opm.gov/html/topics.htm>

## Introduction

The Office of Personnel Management (OPM), the Social Security Administration (SSA) and several Federal agencies have developed a test project to streamline the processing of Federal employees' applications for disability retirement benefits under both the Federal Employees Retirement System (FERS) and SSA. This test project is called "**FEDMER**," Federal Medical Evidence of Record.

## Background

Section 8452(a)(2) of title 5, U.S. Code, requires that FERS disability retirement benefits be reduced by the amount of any Social Security Disability Insurance (SSDI) the individual is eligible to receive. Currently, an applicant for FERS disability retirement must submit proof of application for SSDI benefits when they submit their application for FERS disability retirement to the servicing personnel office. In most cases, the SSA has been denying the application for SSDI because the applicant is still employed (i.e., on the rolls) and SSA defines this as "substantial gainful activity" (SGA). (SGA is defined by SSA as the performance of significant and productive physical or mental work for pay or profit currently earning \$700 or more per month.) This has resulted in the applicant having to reapply to the SSA once their application for FERS disability retirement has been approved by OPM. To avoid this duplicate submission of applications and medical documentation, the erroneous denial of SSDI benefits, and possible FERS disability retirement overpayments, the FEDMER project was developed to improve this process.

Effective September 1, 1999, FERS employees who apply for a disability retirement and **who reside in Virginia, Maryland, the District of Columbia, Delaware, Pennsylvania, or West Virginia** may participate in FEDMER. Participation is not based on an applicant's duty station. CSRS-Offset employees and employees receiving benefits from the Office of Workers' Compensation Program (OWCP) are not eligible to participate in the FEDMER project.

## **FEDMER Procedures**

(1) Agencies initially wishing to participate in FEDMER must contact OPM to request a shipment of FEDMER packages. Each package will include:

### **Original Forms/Publications**

RI 98-2 - Information for Disability Annuitants  
RI 98-1 - Special Notice to FERS Disability Annuitants  
SF 3107 - Application for Immediate Retirement  
SF 3112 - Documentation in Support of Disability Retirement Application  
SF 3112A - Applicant's Statement of Disability  
SF 3112B - Supervisor's Statement  
SF 3112C - Physician's Statement  
SF 3112D - Agency Certification of Reassignment and Accommodation Efforts  
SF 3112E - Disability Retirement Application Checklist

### **New Forms/Publications**

Agency Checklist  
RI 20-114 - OPM/SSA FEDMER Test Pilot Process (pink cover paper)  
FEDMER Statement of Participation (SOP)  
SSA Publication No. 05-10029 - Social Security Disability Benefits  
List of Documents SSA Requires for your Social Security Disability Claim  
Form SSA-827 Authorization for Source To Release Information to the Social Security Administration  
Form SSA-3368-BK Disability Report - Adult

***Electronic versions of the SSA forms and brochures are available on the SSA web site. OPM forms and brochures are available on their web site. See the "References" section of this guide for the web addresses.***

Both the required OPM and SSA forms are to be completed at the same time and forwarded through payroll to OPM using the normal retirement processing channels. Normally, OPM will review the information submitted within two weeks and forward the Social Security forms and medical documentation directly to SSA.

(2) Each employee wishing to participate in the FEDMER test project must be given a package that contains all of the documents listed above. The applicant and servicing personnel office must sign the Statement of Participation (SOP), which states that both parties agree to participate in the SSA/OPM FEDMER test project and authorizes OPM and SSA to share information related to the application for disability. This statement **must** be signed and included with the package in order to participate. Before forwarding the FEDMER package to OPM, the servicing personnel office will review the entire package for completeness and fax the SOP to SSA (the original SOP will be forwarded with the original disability retirement package). For SSA fax numbers of participating localities you may call SSA's 800 number (1-800-772-1213) between the hours of 7AM and 7PM Monday through Friday, provide the applicant's zip code and the SSA representative will provide the fax number, address, and general inquiry phone number, **OR** use the FEDMER page on the SSA web site which is linked to the SSA's Office Locator page. The SSA offices are arranged by state, then city, then street address.

(3) The applicant only needs to request **one** copy of the original medical documentation from the medical care provider to support both the FERS disability retirement and SSDI benefit.

(4) The applicant **does not** contact the SSA directly, as previously required. Instead, the SSA will contact the applicant via phone, upon receipt of the SOP fax, to set up an appointment.

(5) The OPM package supporting the FERS disability retirement must include the original SF 3107, SF 3112, and medical documentation.

(6) The SSA package supporting the benefit for SSDI must include the SSA Form 3368-BK and SSA-827 (samples of completed forms are found on the SSA web site). In addition, the applicant must provide certified copies of the birth certificate and proof of military service (i.e., DD 214) to the servicing personnel office. These documents must be included in the SSA package. If the applicant does not have certified copies, personnel offices should not hold up the disability application. The personnel office may certify copies of unaltered original documents. This means, for example, copies of DD 214s and/or certified original birth certificates are acceptable only if the personnelist types, signs and dates the following information directly on the copy:

#### FEDMER CLAIM

This is a photocopy of the original document and appears to be genuine, unaltered and to have been made at the time purported. This photocopied document consists of \_\_\_\_ pages.

CERTIFIED BY:

NAME \_\_\_\_\_ DATE \_\_\_\_\_  
AGENCY \_\_\_\_\_ TITLE \_\_\_\_\_  
FEDMER APPLICANT \_\_\_\_\_  
APPLICANT SSN \_\_\_\_\_

(7) The personnel office should make a **copy** of the entire completed FEDMER package (both SSDI and FERS required documents) to send to OPM. Providing a **copy** will expedite both the FERS disability retirement and SSDI benefit application process. The completed FEDMER package will be processed from the personnel office through payroll to OPM.

(8) If an applicant has a terminal illness, the package should be identified by writing "TERI" on the top of the SOP and annotating with a color highlighter. When a case is designated as a "TERI" case, it is expedited through the claims process.

(9) Normally, OPM will forward the SSDI application to SSA within two weeks of receipt of the FEDMER package. SSA then makes direct contact with the applicant and will make a determination and forward the approval/disapproval of SSA benefits to OPM.